

## **REMARKS**

### **I. Status of the Application**

This paper responds to a Notice of Non-Compliant Amendment and a Non-Final Office Action that were sent on February 20, 2009 and September 12, 2008, respectively. The Application was originally filed with 11 claims, numbered 1-10, with two claim 8s that have been designated as claims 8a and 8b. Following Applicants' response to a Restriction Requirement, the Office withdrew claims 6-7, 8a, and 9-10 from consideration as being directed to non-elected subject matter. This paper amends claims 1, 4, 5 and 8b. Upon entry of the present amendment, claims 1-5 and 8b remain pending in this application.

### **II. Notice of Non-Compliant Amendment**

The Office objected to the status identifiers for claims 2 and 3 in a Non-Final Amendment that Applicants submitted on January 12, 2009. The present amendment identifies claims 2 and 3 as being "original," which should obviate the objection. Applicants respectfully request reconsideration of the application.

### **III. Claim Objections**

Claims 8a and 8b have been objected to because the numbering of the claims is not in accordance with 37 CFR 1.126. The Applicants appreciate the Examiner's efforts in identifying the misnumbered claims. The misnumbered claims have been numbered 8a and 8b in the listing of claims provided above in the "Amendments to the Claims" section of this response. As such, the Applicants respectfully request that the objection to claims 8a and 8b be withdrawn.

**IV. Claim Rejections – 35 USC §112**

The Office has rejected claims 1-5 and 8b under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for prodrugs.

In order to advance the prosecution of this application, the Applicants have deleted the prodrug language from claims 1, 4, 5 and 8b. As such, the Applicants respectfully request that the rejection of claims 1-5 and 8b be withdrawn.

**V. Conclusion**

Upon entry of the present amendments, the Applicants submit that this application is now in condition for allowance, which allowance is respectfully solicited.

Since the Examiner indicated in the Office Action mailed February 20, 2009 that a new time period of one month, thirty days, or whichever is longer has been set, the Applicants have not petitioned for an extension of time. Applicants base this action on MPEP section 714.03 which states, "[i]f a new time period for reply is set pursuant to 37 CFR 1.135(c), applicant must supply the omission within this new time period for reply (or any extensions under 37 CFR 1.136(a) thereof) in order to avoid abandonment of the application." However, if any fee is required for the filing of this response, including extensions of time for which Applicants hereby petition, please charge all such required fees to Deposit Account No. 16-1445.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2658.

Respectfully submitted,

Date: March 13, 2009

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